

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Giordano	Team: Team # 3	CCRB Case #: 200802903	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/21/2008 11:15 PM	Location of Incident: 641 East 13th Street	Precinct: 09	18 Mo. SOL 8/21/2009	EO SOL 8/21/2009	
Date/Time CV Reported Thu, 02/21/2008 11:21 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/27/2008 11:18 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT John Rajan	01569	898342	PBMS AC
2. POM William Glynn	00034	932718	PBMS AC

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Rajan	Abuse: Sgt. John Rajan stopped § 87(2)(b)	
B.POM William Glynn	Abuse: PO William Glynn stopped § 87(2)(b)	
C.SGT John Rajan	Discourtesy: Sgt. John Rajan spoke obscenely to § 87(2)(b)	
D.SGT John Rajan	Abuse: Sgt. John Rajan threatened to arrest § 87(2)(b)	
E.SGT John Rajan	Abuse: Sgt. John Rajan refused to provide his name and shield number to § 87(2)(b)	
F.SGT John Rajan	Abuse: Sgt. John Rajan searched the car in which § 87(2)(b) was an occupant.	

Synopsis

On February 21, 2008, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB), generating IAB log 08-07116. The CCRB received this complaint on February 27, 2008. On February 21, 2008, at approximately 11:15 PM, § 87(2)(b) was told by a neighbor that two officers in a taxi cab, identified through investigation as Sgt. John Rajan and PO William Glynn, stopped her nephew, § 87(2)(b) in front of § 87(2)(b) (Allegations A and B). § 87(2)(b) went outside and asked the officers what was going on. Sgt. Rajan allegedly told § 87(2)(b) to “shut the fuck up” and to mind her own business (Allegation C). Sgt. Rajan also allegedly told § 87(2)(b) that he would “arrest [her] ass” if she did not move back across the street (Allegation D). § 87(2)(b) then called IAB and asked Sgt. Rajan for his name and shield number, which he allegedly refused to provide (Allegation E). Sgt. Rajan then searched § 87(2)(b)'s black Acura with his consent, but recovered nothing (Allegation F). § 87(2)(b) was not arrested or issued a summons. The officers then left the location.

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) provided an initial statement to IAB on February 22, 2008 (Enc. 7-8), and an official statement to the CCRB on March 6, 2008 (Enc. 11-14). § 87(2)(g)

On February 21 2008, at approximately 11:15 PM, § 87(2)(b) was sitting alone in her apartment at § 87(2)(b) in Manhattan, when she received a telephone call from another tenant in her building who told her that undercover officers in a yellow cab had her nephew, § 87(2)(b) sitting in the street and were going through his vehicle, a black Acura. § 87(2)(b) left her apartment and went down to the street outside her building. When she got outside she began asking the two officers present, identified through investigation as Sgt. John Rajan and PO William Glynn, why they had § 87(2)(b) sitting on the ground in handcuffs. Sgt. Rajan was an Arab or Indian Male, 5'0" tall, with black hair and a dark complexion, wearing a grey Gap hooded sweatshirt, black jeans and black timberland boots who § 87(2)(b) identified as being a sergeant because of his gold badge. Sgt. Rajan told her to “shut the fuck up” and to mind her business and to “get the hell away from here.” § 87(2)(b) told the officers that as a civilian and relative she has a right to know why they stopped § 87(2)(b). Sgt. Rajan also told § 87(2)(b) that if she didn't cross the street he was going to “arrest [her] ass.” (In her initial complaint, § 87(2)(b) stated that Sgt. Rajan just said he would lock her up but also told her to “get the fuck out of here.”) PO Glynn, a white male, 6'0" tall, wearing a blue hooded sweatshirt, blue jeans and grey sneakers, was looking in § 87(2)(b)'s vehicle, which was legally parked, and did not speak with § 87(2)(b). Neither officer informed her why they had stopped § 87(2)(b) or why they were looking in his vehicle. § 87(2)(b) then said, “Ok, I got something for you,” and placed a call to the Internal Affairs Bureau. After contacting IAB, § 87(2)(b) asked Sgt. Rajan for his name and badge number, which he failed to provide. § 87(2)(b) then moved across East 13th Street, which is a one-way street with parking on both sides, and continued to observe the interaction between § 87(2)(b) and the officers. Sgt. Rajan asked § 87(2)(b) if he could search his car, which he agreed to. After § 87(2)(b)'s vehicle was searched by Sgt. Rajan, § 87(2)(b) was released and was not charged with anything or issued a summons. § 87(2)(b) stated in her initial complaint that the officers had § 87(2)(b) on the ground, searching him, an allegation she failed to mention during her CCRB interview. § 87(2)(b) stated that at one point prior to § 87(2)(b)'s release, she overheard PO Glynn say on his telephone to an unknown individual, “We finally pulled over one of the § 87(2)(b).”

Results of Investigation

Attempts to Contact Victim

§ 87(2)(b) told the CCRB that she would have § 87(2)(b) call to schedule an interview. Five calls were made to § 87(2)(b) after her interview in order to obtain contact information for § 87(2)(b). § 87(2)(b) failed to provide the CCRB with this information. The IAB command center recording, as well as a Lexis Nexis search,

provided an address for § 87(2)(b) but no phone number. Two please call letters and a case reassignment letter were sent to § 87(2)(b)'s address. No letters were mailed back to the CCRB marked "return to sender." § 87(2)(b) failed to contact the CCRB.

Identification of Officers Interviewed

Sgt. Rajan and PO Glynn were identified from the Patrol Borough Anti-Crime roll call (Enc. 28) as being assigned to a taxi cab on the incident date. Sgt. Gregory Locke and PO Richard Romance were identified from the 13th Precinct roll call as being assigned to Cabaret Detail and Anti-crime in a taxi cab, respectively, on the date of incident.

Officer Statements

Sgt. John Rajan

Sgt. John Rajan, a § 87(2)(b)-old, 5'3" tall, 175 pound, Indian male, was interviewed at the CCRB on May 5, 2009 (Enc. 12-13).

Sgt. Rajan worked from 5:15 PM on February 21, 2008, to 2:12 AM on February 22, 2008. He was assigned to Anti-crime and was working with PO Glynn. Both officers were in plainclothes and assigned to a yellow taxi cab. Sgt. Rajan lost his memo book from January 15, 2008, to October 31, 2008 and only had a general entry for those dates. Therefore, he had no entries regarding this incident.

Sgt. Rajan did not recall this incident. He indicated that according to the roll call, he was assigned to patrol the confines of the 1st and 5th Precincts. Sgt. Rajan indicated that usually they would not venture out of those confines, but it could be possible to pass through other commands on their way back. Sgt. Rajan was presented with a photograph of § 87(2)(b) who he did not recognize. Sgt. Rajan was given a brief summary of the incident, including that § 87(2)(b)'s son was stopped and his black Acura was searched. Sgt. Rajan still could not recall the incident and did not remember interacting with § 87(2)(b). Sgt. Rajan did not recall stopping a male with a black Acura, using any profanity, threatening to arrest a female, refusing to provide his name or shield number, or searching a black Acura on the night in question.

PO William Glynn

PO William Glynn, a § 87(2)(b)-old, 6'1" tall, 225 pound, white male, was interviewed at the CCRB on May 6, 2009 (Enc. 14-15). PO Glynn has been promoted to sergeant since this incident transpired.

PO Glynn worked from 5:30 PM on February 21, 2008, to 2:05 AM on February 22, 2008. He was assigned to Anti-crime and was working with Sgt. Rajan. Both officers were in plainclothes and were assigned to an unmarked taxi cab. PO Glynn cannot find his old memo book, but if he was able to find it, he would fax over the appropriate entries.

PO Glynn did not recall this incident. He indicated that according to the roll call, he was assigned to patrol the confines of the 1st and 5th Precincts. PO Glynn indicated that although they were assigned to those precincts, it would be possible to patrol other areas as well, such as the 9th Precinct, where the incident took place. PO Glynn indicated that they would normally patrol for crimes such as robberies, weapon-related crimes, and violent crimes. PO Glynn was presented with a photograph of § 87(2)(b) who he did not recognize. PO Glynn was given a brief summary of the incident, including that § 87(2)(b)'s son was stopped and his black Acura was searched. PO Glynn still could not recall the incident and did not remember interacting with § 87(2)(b). PO Glynn did not recall stopping a male with a black Acura or searching such a vehicle. He did not recall witnessing Sgt. Rajan using any profanity, threatening to arrest a female, refusing to provide his name or shield number, or searching a black Acura on the night in question.

Sgt. Gregory Locke

Sgt. Gregory Locke, a § 87(2)(b)-old, 6'1" tall, 285 pound, white male, was interviewed at the CCRB on January 8, 2009 (Enc. 19-20).

Sgt. Locke worked from 9:05 PM on February 21, 2008, to 6:02 AM on February 22, 2008. Sgt. Locke was assigned to the Cabaret detail and was not designated a specific partner. Sgt. Locke was in uniform and if assigned

to a vehicle it would have been a marked van or RMP. Sgt. Locke did not have any memo book entries regarding this incident (Enc. 16-18).

Sgt. Locke indicated that he was not present for this incident. Sgt. Locke was presented with the roll call for the incident date and confirmed that his assignment listed was the Cabaret detail and confirmed the other officers who were also assigned to the detail. Sgt. Locke indicated that the vehicle number listed was that of a marked vehicle. Sgt. Locke stated that normally, his detail would not use a taxi cab for patrol, but it is not out of the question if it was the only vehicle available. Sgt. Locke did not stop anyone on East 13th Street on the incident date and did not recall having interaction with a heavyset black female. Sgt. Locke explained that the Cabaret detail is a quality of life detail in the 13th and 10th Precinct in which officers patrol clubs to prevent certain quality of life crimes. Sgt. Locke indicated that his detail ranges from East 24th Street to East 19th Street and that the officers usually stay at the specific site and do not go mobile. Sgt. Locke indicated that at no time would his detail patrol East 13th Street.

PO Richard Romance

PO Richard Romance, a § 87(2)(b)-old, 5'7" tall, 170 pound, white male, was interviewed at the CCRB on February 13, 2009 (Enc. 23-24).

PO Romance worked from 7:30 PM on February 21, 2008, to 4:05 AM on February 22, 2008. PO Romance took lost time starting at 12:00 AM. He was assigned to Anti-crime and was working with Sgt. Mastronardi. Both officers were in plainclothes and assigned to an unmarked vehicle. PO Romance did not have any memo book entries regarding this incident (Enc. 21-22).

PO Romance did not recall being present for this incident. PO Romance indicated that at the time of incident, the 13th Precinct had two taxicabs assigned to the command, RMP 4320, and RMP 4323, which was listed on the roll call. PO Romance did not recall if he was assigned to one of the cabs or assigned to a regular unmarked vehicle. PO Romance indicated that he would not patrol anywhere on East 13th Street, as his command would not go south of East 14th Street, as that is in the confines of the 9th Precinct. PO Romance described Sgt. Mastronardi as a white male, approximately 6'2" tall, 200 pounds, with a receding hairline. PO Romance was presented with a photo of § 87(2)(b) who he did not recognize. PO Romance was given a brief description of the incident, which did not jog his memory. PO Romance did not have any memo book entries at or around the time of incident. PO Romance did not recall what he was wearing that evening.

Officers Not Interviewed

§ 87(2)(g)

Police Documentation

The **roll calls** and **vehicle utilization log** for a yellow taxi cab were requested from the following commands: 9th Precinct, 13th Precinct, Patrol Borough Manhattan South, Patrol Borough Manhattan South Task Force, Patrol Borough Manhattan South Anti-Crime, Manhattan South Narcotics, Manhattan South Vice, and Manhattan Gang. The only commands which had a yellow taxi cab in use were the 13th Precinct and Patrol Borough Manhattan South Anti-Crime.

The **Patrol Borough Manhattan South Anti-Crime roll call** (Enc. 28) indicated that Sgt. Rajan and PO Glynn were assigned to patrol the confines of the 1st and 5th Precincts. They were assigned to RMP 4316.

The **stop-and-frisk log** (Enc. 27) for 2/21/08 within the 9th Precinct did not list anyone with the surname § 87(2)(b) nor did it list Sgt. Rajan or PO Glynn as having prepared any reports that evening.

The ICO of the 9th Precinct, Sgt. Christopher Barry, informed the CCRB upon its request that his command was not in possession of a taxi cab until the summer of 2008. Sgt. Barry also indicated that the 9th Precinct did not have any taxi cabs on loan from another command at the time of the incident.

Civilian CCRB History

§ 87(2)(b) has filed seven additional complaints with the CCRB (Enc. 6). § 87(2)(b)

§ 87(2)(b)

Officer CCRB History

Sgt. Rajan had allegations of a vehicle search and a frisk substantiated against him for CCRB case 200710212. The CCRB recommended charges and the NYPD issued command discipline (Enc. 1-3). PO Glynn had an allegation of a strip-search substantiated against him for CCRB case 200605789. The CCRB recommended charges and the NYPD issued command discipline as penalty. PO Glynn also had an allegation of a frisk substantiated against him for CCRB case 200712972. The CCRB recommended command discipline but the NYPD decline to prosecute the case (Enc. 4-5).

Criminal Convictions History

A search of the Booking and Arraignment Disposition System was conducted for § 87(2)(b) dating back to the start of 2003. § 87(2)(b) has no criminal convictions on record in New York City.

§ 87(2)(b)

Conclusions and Recommendations

Identification of Subject Officers

Based on police documents and a phone conversation with the 9th Precinct ICO, only two commands had a yellow taxi cab in use on the incident date: the 13th Precinct and Patrol Borough Manhattan South Anti-Crime. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) Sgt. Rajan and PO Glynn both confirmed in their CCRB interviews that it was possible that they may have been in the vicinity of the incident location on the date in question, § 87(2)(g) Sgt. Rajan is a 5'3" tall, 175 pound, Asian male, with dark skin. PO Glynn is a 6'1" tall, 225 pound, white male. Both of these officers § 87(2)(g) were both in plainclothes at the time of the incident. She described one officer as an Arab or Indian Male, 5'0" tall, with black hair, dark skin, wearing a grey Gap hooded sweatshirt, black jeans, and black Timberland boots, who she identified as being a sergeant because of his gold badge, and the other officer as a white male, 6'0" wearing a blue hooded sweatshirt, blue jeans and grey sneakers. § 87(2)(g)

§ 87(2)(b) alleged that Sgt. Rajan and PO Glynn stopped § 87(2)(b) When she went outside to see what was going on, Sgt. Rajan allegedly told § 87(2)(b) to "shut the fuck up." § 87(2)(b) also alleged that Sgt. Rajan threatened to "arrest [her] ass" if she did not get back across the street. After § 87(2)(b) called IAB, she requested Sgt. Rajan's name and shield number, which he allegedly refused to provide. Sgt. Rajan then allegedly asked § 87(2)(b) if he could search his car, and he agreed. § 87(2)(g)

Undisputed Facts

Since the officers could not recall this incident, no facts are undisputed.

Disputed Facts

All allegations regarding this incident are in dispute.

Assessment of Evidence

§ 87(2)(b) alleged that Sgt. Rajan and PO Glynn stopped § 87(2)(b) for an unknown reason. § 87(2)(b) also alleged that Sgt. Rajan searched § 87(2)(b)'s car. The CCRB was unable to obtain a statement from § 87(2)(b) No phone number could be found through various search databases and § 87(2)(b) failed to provide the CCRB with any contact information. Also, no letters mailed to § 87(2)(b)'s address were returned to the CCRB as

“return to sender.” § 87(2)(g)

Once § 87(2)(b) approached the officers and asked what was going on, Sgt. Rajan allegedly told her to “shut the fuck up.” § 87(2)(b) also alleged that Sgt. Rajan told her that he would “arrest [her] ass” if she did not go back across the street. § 87(2)(b) alleged that later on, she requested Sgt. Rajan’s name and shield number, which he refused to provide. Sgt. Rajan and PO Glynn did not recall the incident. § 87(2)(g)

Allegation A: Sgt. John Rajan stopped § 87(2)(b)

Allegation B: PO William Glynn stopped § 87(2)(b)

Allegation F: Sgt. John Rajan searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

Allegation C: Sgt. John Rajan spoke obscenely to § 87(2)(b)

Allegation D: Sgt. John Rajan threatened to arrest § 87(2)(b)

Allegation E: Sgt. John Rajan refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Rajan told her to “shut the fuck up”, threatened to arrest her, and refused to provide his name and shield number to her. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: